

IN THE CLAIMS

Claim 1. (**withdrawn**) A negative electrode active material comprising:
a composition A-B-C containing a first element A, a second element B, and a third
element C,

wherein,

the first element A is copper or iron;

the second element B is silicon or tin;

the third element C is at least one selected from the group consisting of indium,
antimony, bismuth, and lead; and

the composition A-B-C contains 5 to 40% by weight of the second element B and
contains 1 to 50% by weight of the third element C.

Claim 2. (**withdrawn**) A negative electrode active material according to Claim 1,
wherein the first element A is copper, the second element B is silicon, and the third element C is
at least one selected from indium and antimony.

Claim 3. (Canceled)

Claim 4. (**withdrawn**) A negative electrode active material according to Claim 1,
wherein the composition A-B-C has low crystallinity.

Claim 5. (**withdrawn**) A negative electrode active material according to Claim 1,
wherein the composition A-B-C is amorphous.

Claim 6. (**currently amended**) A nonaqueous electrolyte battery comprising:

a positive electrode containing a positive electrode active material;

a negative electrode containing a negative electrode active material; and

a nonaqueous electrolyte,

wherein,

the negative electrode active material contains a composition A-B-C having a first
element A, a second element B, and a third element C;

the first element A is copper or iron, the second element B is silicon or tin, and the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and

the composition A-B-C contains 5 to 40% by weight of second element B and contains containing 1 to 50% by weight of third element C.

Claim 7. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 8. (Canceled)

Claim 9. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C has low crystallinity.

Claim 10. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C is amorphous.

Claim 11. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the negative electrode further contains a carbonaceous material which is capable of being doped and being undoped with lithium.

Claim 12. (Original) A nonaqueous electrolyte battery according to Claim 11, wherein the carbonaceous material is one selected from the group consisting of non-graphitizable carbon, graphitizable carbon, and graphite.

Claim 13. (canceled)

Claim 14. (**withdrawn**) A negative electrode active material according to Claim 1, wherein the third element C is at least two selected from the group consisting of indium, antimony, bismuth, and lead.

Claim 15. (**withdrawn**) A negative electrode active material according to Claim 1, wherein a total amount of the second element B and the third element C is 80% by weight or less.

Claim 16. (**withdrawn**) A negative electrode active material according to Claim 15, wherein the composition A-B-C contains 40 to 50% by weight of the third element C.

Claim 17. (**withdrawn**) A negative electrode active material according to Claim 15, wherein a total amount of the second element B and the third element C is 70% by weight or less.

Claim 18. (**withdrawn**) A negative electrode active material according to Claim 17, wherein the composition A-B-C contains 40 to 50% by weight of the third element C.

Claim 19. (**withdrawn**) A negative electrode active material according to Claim 17, wherein a total amount of the second element B and the third element C is 50% by weight or less.

Claim 20. (canceled)

Claim 21. (**withdrawn**) A negative electrode active material according to Claim 1, wherein the composition is 45Fe-35Si-20In.

Claim 22. (**withdrawn**) A negative electrode active material according to Claim 14, wherein the composition is 70Cu-15Si-10In-5Sb.

Claim 23. (**withdrawn; currently amended**) A negative electrode active material according to Claim 5 40, wherein the amorphous composition has a half width of 0.5 degrees (2θ) or more and a broad peak between 30 and 60 degrees (2θ) in an X-ray diffraction pattern.

Claim 24. (new) A nonaqueous electrolyte battery according to Claim 6, wherein the third element C is at least two selected from the group consisting of indium, antimony, bismuth, and lead.

Claim 25. (new) A nonaqueous electrolyte battery according to Claim 6, wherein a total amount of the second element B and the third element C is 80% by weight or less.

Claim 26. (new) A nonaqueous electrolyte battery according to Claim 25, wherein the composition A-B-C contains 40 to 50% by weight of the third element C.

Claim 27. (new) A nonaqueous electrolyte battery according to Claim 25, wherein a total amount of the second element B and the third element C is 70% by weight or less.

Claim 28. (new) A nonaqueous electrolyte battery according to Claim 27, wherein the composition A-B-C contains 40 to 50% by weight of the third element C.

Claim 29. (new) A nonaqueous electrolyte battery according to Claim 27, wherein a total amount of the second element B and the third element C is 50% by weight or less.

Claim 30. (new) A nonaqueous electrolyte battery according to Claim 6, wherein the composition is 45Fe-35Si-20In.

Claim 31. (new) A nonaqueous electrolyte battery according to Claim 24, wherein the composition is 70Cu-15Si-10In-5Sb.

Claim 32. (new) A nonaqueous electrolyte battery according to Claim 10, wherein the amorphous composition has a half width of 0.5 degrees (2θ) or more and a broad peak between 30 and 60 degrees (2θ) in an X-ray diffraction pattern.